CONSTITUTION
OF THE
KENAITZE INDIAN TRIBE

PREAMBLE

We, a group of Native people primarily descended from the coastal Dena'ina people of Cook Inlet, Alaska, hereby ordain and institute this Constitution to promote our political, social, cultural and economic progress pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended. This Constitution supersedes the Constitution of the Kenaitze Indian Tribe approved by the Secretary of the Interior on February 25, 1971, and shall govern the Kenaitze Indian Tribe from its effective date.

ARTICLE I - NAME

The official name of this Tribe shall be the Kenaitze Indian Tribe.

ARTICLE II - TERRITORY

The territory of the Kenaitze Indian Tribe shall extend to all lands and waters of the central and upper Kenai Peninsula within Indian Country as defined by federal law, including but not limited to all lands and waters customarily and traditionally used by the Kenaitze people.

ARTICLE III - JURISDICTION

The Kenaitze Indian Tribe shall have jurisdiction to the fullest extent possible over all lands and people within its territory as well as over all of its members to the extent such jurisdiction does not violate federal or tribal law.

ARTICLE IV - MEMBERSHIP

Section 1. Base Members. The base membership of the Kenaitze Indian Tribe shall consist of (1) all persons of Alaska Native descent whose names appear on the membership roll approved by the Department of the Interior on June 21, 1971, and (2) all lineal descendants of those members listed on the June 21, 1971, roll, who are enrolled in the Tribe before the adoption of this Constitution, who possess at least one-quarter degree Kenaitze Indian blood, and (3) all individuals who were adopted into the Tribe pursuant to Tribal Ordinance #3, enacted on May 14, 1983 and rescinded on May 26, 1990.

Section 2. Future Membership. Any lineal descendant of a base enrollee as set forth in Section 1, who has a common bond or close association with the Kenaitze Indian Tribe, as defined in a duly adopted Ordinance, may, upon application, be enrolled as a member of the Kenaitze Indian Tribe. Applications for enrollment as a member shall be processed in accordance with rules adopted by the Tribe pursuant to Section 7 of this Article.

Section 3. Adoption. Only those persons who possess at least one-quarter degree Alaska Native Blood, reside in Alaska, and share a common bond of occupancy and association with the Kenaitze Indian Tribe, as defined in a duly adopted Ordinance, will be eligible for future adoption into the Tribe. All adoptions must be done in accordance with rules adopted by the Tribe in accordance with Section 7 of this Article.

Section 4. Honorary Membership. The Council shall have the power to confer honorary membership on anyone. Honorary members shall have no rights or privileges.

Section 5. Dual Membership. No person shall be enrolled as a member of the Kenaitze Indian Tribe who is a member of another Indian Tribe.

Section 6. Loss of Membership. Membership may be taken away for good reason by the Tribe, or any member may voluntarily give up his membership by requesting relinquishment of membership from the Tribe. Loss of membership, whether voluntarily or involuntarily, must be done in accordance with duly adopted Ordinances enacted pursuant to Section 7 of this Article.

Section 7. Membership Rules. The Tribe shall prescribe rules to govern future membership, loss of membership and the adoption of members that are not inconsistent with this Article.

ARTICLE V - GOVERNING BODY

Section 1. Name. The governing body of the Kenaitze Indian Tribe shall be the Kenaitze Tribal Council (hereinafter referred to as the Council).

Section 2. Composition. The Council shall be composed of seven (7) members who shall be elected by a plurality vote of the qualified members of the Tribe at the annual election. Until the first election under this Constitution, the members of the existing Council shall serve as the interim Kenaitze Tribal Council.

Section 3. Officers. The officers shall include a Chairperson, Vice-Chairperson, Secretary, and Treasurer who shall be elected annually by the members of the Council from among their numbers. The Council may appoint such other officers as may be necessary from time to time either from within or outside the Council in accordance with Article VII, Section 5.

Section 4. Terms of Office. The terms of the Chairperson, Vice-Chairperson, Secretary, and Treasurer shall be one year, but they may serve consecutive terms. Except as necessary to establish and maintain the staggered terms of the Council, all Council members shall serve two (2) year terms. All officers serve at the pleasure of the Council.

Section 5. Assumption of Office. All Council members shall take office immediately upon certification of the election.

Section 6. Conflict of Interest. No member of the Council shall participate in any discussion or vote in any matter relating to the member or to his or her immediate family. A Council member may be hired by the Council to work for the tribal government, but while so employed he or she shall abstain from participation on matters pertaining to his or her employment. "Immediate family" means, whether by blood or adoption by legal mean, a father, mother, brother, sister, spouse, son or daughter.

ARTICLE VI - MEETINGS AND ELECTIONS

Section 1. Meetings. A regular meeting of the membership of the Kenaitze Indian Tribe shall be held at least once annually, on the first Saturday in October, at a time or place to be determined by the Council, within the Tribe's jurisdiction. The date, time and place of

additional meetings shall be determined by the Council. Special meetings or elections may be called by the Council or by the Chairperson upon the receipt of a petition signed by at least thirty percent (30%) of the qualified voting members of the Kenaitze Indian Tribe.

Section 2. Quorum for Meetings of the General Membership. A quorum for any meeting of the General Membership shall be 10 percent (10%) of the number of qualified voters who participated in the last tribal election. A quorum must be present before a vote on any tribal action is effective, except where otherwise provided by this Constitution.

Section 3. Qualified Voting Members. Any duly enrolled member of the Kenaitze Indian Tribe, eighteen (18) years of age or older who resides in Alaska, shall be entitled to vote in all tribal elections. Any member who has been absent from Alaska for a period of one year or who has left Alaska and does not intend to return to Alaska will not be eligible to vote or hold office. Any member who has lost the right to vote or hold office because he/she does not reside in Alaska may petition the Council for reinstatement of those rights if he/she returns to Alaska and establishes his/her residency in Alaska.

Section 4. First Election. A meeting to elect the first members of the Council authorized under this Constitution shall be held within 90 days after the adoption of this Constitution.

Section 5. Qualification of Candidates. Only qualified voting members shall be eligible to become candidates for election to membership on the Council and serve in that capacity. Any person convicted of a crime of moral turpitude in a court of competent jurisdiction, or who has been removed or recalled from office under Article IX, shall be ineligible to serve as a member of the Council.

Section 6. Staggered Terms. At the first election, the terms of the Council members shall be staggered according to the number of votes each candidate receives. The four (4) candidates receiving the highest number of votes shall serve two (2) year terms; the three (3) candidates receiving the next highest number of votes shall serve one (1) year terms. Thereafter, each candidate shall be elected to two (2) year terms except as may thereafter be necessary to maintain the staggered terms established under this Constitution. Candidates filling a vacancy will serve as required in Article IX, Section 4. Members of the Council shall hold office until their successors are duly elected and seated.

Section 7. Election Ordinance. As soon as practicable after the adoption of this Constitution, the Council shall enact a tribal election ordinance. The ordinance shall,

consistent with this Constitution, include provisions for conducting all tribal elections by secret and absentee balloting, nomination of candidates, maintenance of a current list of qualified voters, the settling of election disputes and other matters related to the conduct of tribal elections. Further, the ordinance shall spell out the procedure and format to be used whenever it is necessary to submit petitions for any purpose to the Council and set forth a procedure for determining the validity of such petitions.

Section 8. Election Board. There shall be an election board consisting of at least three (3) members appointed by the Council for each tribal election meeting, whose duties shall be to supervise, administer and conduct the election. The election board shall serve from the time of their appointment until certification of the election for which the committee was appointed. The election board shall certify the election of tribal officials immediately after the election. No member of the election committee shall at the same time be a member of the Council or a candidate for a position on the Council.

ARTICLE VII - DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson shall preside at all meetings of the tribal membership and of the Council and shall execute on behalf of the Tribe all contracts, leases, or other documents approved by the Council. The Chairperson shall vote in matters before the council only in the event of a tie, and shall have general supervision of all other officers, employees, committees or boards of the Tribe and shall see that their duties are properly performed. When the Council is not in session, the Chairperson shall be the official representative of the Tribe. At the expiration of his term in office, the Chairperson shall turn over all the records and papers in his possession to his successor or to the Council.

Section 2. Vice-Chairperson. The Vice-Chairperson shall assist the Chairperson when called upon to do so. In the absence of the Chairperson, the Vice-Chairperson shall perform all the duties and assume all the responsibilities vested in the Chairperson. At the expiration of his term in office, the Vice-Chairperson shall turn over all the records and papers in his possession to his successor or to the Council.

Section 3. Secretary. The Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. The Secretary shall issue notices of all meetings and elections and conduct all general correspondence as directed by the

Council. In the absence of both the Chairperson and the Vice-Chairperson, the Secretary shall preside and when so presiding shall perform all the duties and assume all the responsibilities vested in the Chairperson. At the expiration of his term in office, the Secretary shall turn over all the records and papers in his possession to his successor or to the Council.

Section 4. Treasurer. The Treasurer shall carry out the financial directives of the Council, receive all monies and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Kenaitze Indian Tribe account in a local bank selected by the council where depositor's funds are insured by the Federal Deposit Insurance Corporation or the equivalent. All disbursements shall be made by check in accordance with resolutions of the Council. The Council shall direct the Treasurer to file an annual bond, satisfactory to the Council, to protect tribal accounts. The Treasurer shall give a financial report to the Council once a month, and all financial records shall be available for inspection by any member of the Tribe. At the expiration of his term in office, the Treasurer shall turn over all the records and papers in his possession to his successor or to the Council.

Section 5. Appointments. The Council may appoint as many committees, officers and agents as it may need to carry out its duties, provided, however that it state the length of service and the duties of all such committee members, officers, or agents in a resolution at the time of their appointment.

ARTICLE VIII - COUNCIL MEETINGS

Section 1. Meetings. Regular meetings of the Council shall be held at least once a month within the Tribe's jurisdiction; the time, place and date to be designated by the Council. Special meetings of the Council may be called by the Chairperson and shall be called by him/her upon receipt of a request signed by at least four (4) members of the Council and when so called, the Council shall have the same power to transact business as it does in regular meetings, provided, that a quorum is present.

Section 2. Quorum. A quorum of the Council shall consist of four (4) members of the Council. Except as otherwise provided in this Constitution, no business shall be transacted unless a quorum is present.

Section 3. Public Meetings. All meetings of the Council shall be open to the membership of the Kenaitze Indian Tribe; provided, however, that the Council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

Section 4. Permanent Ordinances. All final decisions of the Council on matters of general or permanent interest to members of the Tribe shall be embodied in ordinances. The ordinances shall be collected and made available to tribal members and others affected upon reasonable request.

Section 5. Temporary resolutions. All final decisions of the Council on matters of temporary interest shall be embodied in resolutions. Resolutions shall be collected and made available to tribal members and other affected persons upon request.

Section 6. Parliamentary Procedures. All meetings shall be conducted in accordance with rules adopted by the Council.

ARTICLE IX - REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any Council member or other official found guilty by the Council of behavior involving gross misconduct in office or neglect of duty, shall be removed from office. If four (4) members of the Council vote in favor of such removal, the Council member shall be removed and the position declared vacant. Voting must be by secret ballot and the Chairperson, unless accused, is entitled to vote. The accused shall have no right to cast a vote. Before any vote for removal is taken, the person subject to removal shall be given a written statement of the charges against him/her at least ten (10) days before the meeting of the Council at which the person is to appear and the person shall be given the opportunity to answer any and all charges at the designated Council meeting. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. The decision of the Council shall be final. No member of the Council shall preside over the meeting at which his/her removal is being considered.

Section 2. Recall. Voting members shall have the power to recall any member of the Council. The recall process shall be initiated by filing a valid petition with the Council

asking for such recall, signed by at least thirty percent (30%) of the qualified voters, and setting forth the reasons for the petition. Within thirty (30) days after receipt of a valid recall petition, the Council shall call and conduct an election to consider the recall of the member named in the petition. The Council member shall be considered recalled and his position declared vacant, if a majority of the qualified voters vote in favor of the recall, provided that, at least 30% of the qualified voters participate in the election. Once an individual has been subjected to the recall proceedings, that person shall not again be subject to such action during the balance of his current term in office.

Section 3. Forfeiture. If any member of the Council shall be found guilty of Crimes of Moral Turpitude in any Federal or state court, shall die, resign or is absent for three (3) consecutive meetings without being excused by the Council, or fails to qualify or take office within thirty (30) days after election or appointment, the member shall automatically forfeit his office and his position on the Council will be declared vacant.

Section 4. Vacancies. Any office which has been vacated, whether by removal, recall, or forfeiture, shall be filled by the appointment of a qualified voting member by a majority vote of the remaining Council whether consisting of a quorum or not and such replacement shall serve until the next general election. All unexpired terms shall be filled by election at the next general election. If the vacancy is an elected officer, the Council shall elect a person to fill the position.

ARTICLE X - POWERS

Section 1. General Powers. Except as specifically limited by this Constitution, the powers of the Tribe shall be exercised by the Council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article which do not violate Federal or Kenaitze tribal law.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact rules to govern its internal procedures and organization and to further define the duties of tribal officers by ordinance.

Section 3. Other Council Powers. The Tribal Council shall exercise the following powers subject to the limitations imposed by Federal law and this Constitution:

(a) To consult, negotiate, or contract with Federal, state and/or local governments and others on behalf of the Tribe and to advise and consult with the representatives of the Secretary of the Interior on all activities which may affect the Tribe.

(b) To promote and protect the peace, safety, health, education and general welfare of the members of the Tribe, and to administer charity and such other services as may contribute to the social and economic development of the Tribe and its members.

(c) To raise revenue, acquire property and accept gifts.

(d) To protect members rights in personal property.

(e) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe.

(f) To encourage, guard and foster traditional cultural practices of the Kenaitze people, including the arts, crafts, language and customs of the Kenaitze Tribe.

(g) To authorize or direct subordinate boards, committees or officials to administer the affairs of the Tribe and to carry out the directives of the Council.

(h) To administer the tribe's assets and manage all property, economic affairs, and enterprises of the tribe.

(i) To protect and preserve the wildlife and natural resources within those areas under the jurisdiction of the Tribe.

(j) To administer any funds within the control of the Tribe.

(k) To engage in economic development enterprises for the benefit of the Tribe or its members.

(l) To regulate child custody and adoption and other domestic relations pursuant to the Indian Child Welfare Act and/or other applicable law.

(m) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law.

(n) To charter enterprises, corporations and associations and to join or charter housing authorities.

(o) To prescribe rules and regulations governing future membership, loss of membership, and the adoption of members, subject to Article IV.

(p) To exercise its judicial powers through the creation of tribal courts, the function, duties and jurisdiction to be established by ordinance.

(q) To levy and collect taxes, fees, and assessments for the tribe's purpose.

(r) To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the tribe.

(s) To regulate inheritance among members whether by intestacy or otherwise.

(t) To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not contrary to applicable Federal law.

(u) To exercise any and all powers heretofore or hereafter delegated by the state or Federal governments.

Section 4. Powers Reserved to Membership. Except by majority vote of the qualified voters acting through a general membership meeting or a properly called election, no tribal lands or interests in lands may be sold, leased, encumbered or otherwise disposed.

Section 5. Waivers. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity or jurisdiction of the Kenaitze Indian Tribe, which may only be waived by express resolution of the Tribal Council, after receiving an affirmative vote of the majority of the qualified voters, and only to the extent specified in such resolution and permitted by this Constitution and Federal law. Waivers of sovereign immunity or jurisdiction shall not be general but must be specific and limited as to

duration, grantee, transaction, property or funds, if any, of the Tribe subject thereto, and to the court having jurisdiction and applicable law. Waiver of the sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgement, lien or attachment upon property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

Section 6. Retained Powers. The retained powers of the Tribe not expressed in this Constitution shall not be lost by omission, but may be exercised by majority vote of the qualified voting members or delegated by the qualified voting members to the Council.

ARTICLE XI - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative and Referendum. The qualified voting members of the Tribe shall have the right to propose and remove legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty percent (30%) of the qualified voters, the Council shall call an election to be conducted no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the voters present or voting shall be required to determine the issues or questions submitted to the voters.

Section 2. Decision of Tribal Members. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE XII - RIGHTS OF MEMBERS

Section 1. Civil Rights. Consistent with the customs, laws and traditions of the Kenaitze Indian Tribe, the Tribe in exercising its powers of self-government shall not deny to any person within its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully, nor shall the Tribe deny to any person the equal protection of Tribal laws or deprive any person of liberty, membership or property without due process of law. The Kenaitze Indian Tribe in exercising its powers of self-government shall not make or enforce any law which alters, abridges, or violates the rights guaranteed by the Indian Civil Rights Act of 1968, as amended.

Section 2. Citizenship. This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Tribe as citizens of the United States or of any state, including the State of Alaska.

Section 3. Land Rights. Tribal members shall have equal rights to use tribally owned lands.

Section 4. Freedom of Information. Except as specifically limited by tribal ordinance, tribal members shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Council.

ARTICLE XIII - SEVERABILITY

If any provision of this Constitution shall be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV - SAVINGS CLAUSE

All previous ordinances and resolutions of the Kenaitze Indian Tribe shall remain in effect of the extent that they are not inconsistent with this Constitution or future amendments.

ARTICLE XV - AMENDMENTS

Section 1. This Constitution may amended by a majority vote of the qualified voting members of the Kenaitze Indian Tribe voting in an election called for that purpose by the Secretary of the Interior or his authorized representative; provided, that, at least thirty percent (30%) of those entitled to vote shall vote in such election. No amendment shall become effective until approved by the Secretary of the Interior or his authorized representative or as otherwise authorized by law.

Section 2. The Secretary of the Interior shall call such an election on a proposed constitutional amendment at the request of either four (4) of the seven (7) Council members or upon a petition by at least thirty percent (30%) of the voting membership

eighteen (18) years of age or older.

ARTICLE XVI - ADOPTION

This Constitution, and any amendments to it, when adopted by a majority vote of the qualified voting members of the Kenaitze Indian Tribe voting at an election called for that purpose by the Secretary of the Interior or his authorized representative in which at least thirty percent (30%) of the voting membership shall vote, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval and shall be effective from the date of such approval or as otherwise authorized by law.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on June 16, 1997, the Constitution of the Kenaitze Indian Tribe was submitted to the qualified voters of the Kenaitze Indian Tribe and on June 16, 1997, was duly adopted/~~rejected~~ by a vote of 74 for, and 13 against, and 3 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 130 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairperson, Election Board

Election Board Member

Election Board Member

Date: June 16, 1997

CERTIFICATE OF APPROVAL

I, Hilda A. Manuel, Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by Secretarial Order No. 3150 as extended by Secretarial Order No. 3177, Amendment No. 2, do hereby approve the Constitution of the Kenaitze Indian Tribe. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Hilda A. Manuel
Deputy Commissioner of Indian Affairs

Washington, D.C.

Date: JUL 16 1997